

Message

From: Chalfant, Mark [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C1D644333F94EA2AFF756BE6469E5AD-CHALFANT, MARK]
Sent: 11/15/2015 6:37:58 PM
To: Cirian, Mike [Cirian.Mike@epa.gov]
CC: Wilder, Scott [Wilder.Scott@epa.gov]
Subject: FW: DEQ Comments on CFAC RI/FS Workplan
Attachments: 11122015DEQCommentsCFACRIFSWorkPlan.docx; CFACRIFSWP DEQ Comment ltr.docx

FYI.

From: Haque-Hausrath, Katherine [mailto:KHaqueHausrath@mt.gov]
Sent: Friday, November 13, 2015 4:11 PM
To: Chalfant, Mark
Subject: FW: DEQ Comments on CFAC RI/FS Workplan

FYI. You will note that we included some comments correcting CFAC's characterization of the MPDES permit, which is pertinent to the federally permitted release defense. Also, we ended up combining our concerns with deliverable deadlines into one overarching comment on deadlines, but I wanted to flag for you a few specific things I noted that might trigger some Libby/W.R. Grace type disputes:

38. Table 3, Page 1, Line 7 (discussing Section 5.2.5), Schedule Column: Rather than the draft Phase I SAP Addendum being due 30 days from completion of the pre-intrusive activities, this deadline likely should be tied to beginning of the activities, so there is no question about whether the activities have been "completed."

39. Table 3, Page 1, Line 8 (discussing Section 9.0), Schedule Column: The draft SAPs are due 90 days prior to anticipated start of field work, but there does not appear to be a deadline for when the field work must be started. Unless it is included elsewhere, the deadline is for beginning field work likely needs to be clarified.

40. Table 3, Pages 2-3: There are nine locations where the schedule states, "To be determined by the parties..." Specific deadlines for each of these deliverables would seem to make sense, so that each deadline does not end up in dispute resolution for each of these documents.

Have a nice weekend!

Thanks,

Katherine Haque-Hausrath
Senior Legal Counsel
Montana Department of Environmental Quality
**Please note new physical address of 1225 Cedar, phone number (406) 444-6490, and fax (406) 444-6783

From: DeWitt, Lisa
Sent: Friday, November 13, 2015 3:11 PM
To: Cirian, Mike (Cirian.Mike@epa.gov)
Cc: Repine, Damon; Haque-Hausrath, Katherine; Owen, Colleen; Stoops, Thomas
Subject: DEQ Comments on CFAC RI/FS Workplan

DEQ's comments on the CFAC RI/FS Workplan are provided in the attached documents. Please let me know if you have questions, or need any further information. Thanks!

Lisa DeWitt

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Environmental Specialist
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NOTE NEW OFFICE PHONE NUMBER: 406-444-6420